

Proposed Restrictions on Storage and Access to Customer Proprietary Network Information (“CPNI”)

**CTIA – The Wireless Association™
Presentation to
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CTIA Position Overview

- Section 222 of the Communications Act (Amended) permits transfer of CPNI.
- Proposed restrictions would impose significantly higher costs on carriers.
- Carriers go to great lengths to protect data from unlawful disclosures.
- Law enforcement agencies have the ability to gain access to CPNI under the existing law.
- The FCC must refresh the record prior to considering DOJ's request.

Section 222 Permits Transfers of CPNI Abroad

- Nothing in Section 222 suggests that either storage or access is or can be confined to the United States.
- CTIA can find no instances where records or information produced by other service providers in any industry have similar requirements (i.e., financial institutions).

Proposed Restrictions Would Impose Higher Costs

- Efficient operations increasingly rely on foreign storage and/or access to give the best value and price for consumers.
- DOJ's proposed restrictions would result in significant cost increases that ultimately would be borne by consumers.

Carriers Go To Great Lengths To Protect Data From Unlawful Disclosures

- Current law requires carriers keep CPNI in their custody or control regardless of where it is stored.
- Wireless carriers require foreign vendors to comply with strict security measures designed and instituted to safeguard and protect CPNI data storage and access.

U.S. Law Currently Provides Jurisdiction Over Information Stored Abroad

- CTIA members go to extraordinary lengths to assist law enforcement within the bounds of the law.
- Courts have ruled that subpoenas may compel the disclosure of customer information stored abroad as lawful even where it would violate a foreign country's privacy laws.

The FCC Must Refresh the Record Prior to Considering DOJ's Request

- Foreign storage and/or access has grown significantly since the last time the Commission sought comment on this issue.
- There now are many more entities that would be affected by the DOJ's proposal than when the Commission last sought comment.
- The FCC therefore must refresh the record prior to considering DOJ's request.
- For example, there are threshold questions that need to be addressed prior to understanding the full extent of DOJ's proposals.
 - » What types of “access” does DOJ want to restrict?
 - » How would DOJ define “storage”?
 - » Does DOJ have other concerns?